

**DISTRICT COURT OF THE VIRGIN ISLANDS**

**DIVISION OF ST. CROIX**

**PATRICE CANTON,**

**Plaintiff,**

**v.**

**1:05-cv-143**

**KMART CORPORATION,**

**Defendant.**

**TO:** **Lee J. Rohn, Esq.**  
**Eugenio W.A. Geigel-Simounet, Esq.**

**ORDER DENYING PLAINTIFF'S MOTION TO COMPEL**

THIS MATTER came before the Court for consideration upon Plaintiff's Motion to Compel Defendant Kmart to Respond to Plaintiff's Second Demand For Production of Documents (Docket No. 137). Defendant filed a response titled "Addendum to Stipulation" that was docketed as a motion (Docket No. 138). This order is issued without necessity of any further response or reply.

Being advised in the premises and upon due consideration thereof, the Court finds that factual discovery in this matter closed on July 30, 2008. Consequently, both Plaintiff's discovery requests, propounded on March 26, 2009, and her motion to compel are untimely.

Accordingly, it is now hereby **ORDERED**:

1. Plaintiff's Motion to Defendant Kmart to Respond to Plaintiff's Second Demand For Production of Documents (Docket No. 137) is **DENIED**.
2. Defendant's Addendum to Stipulation (138) is **GRANTED**.

ENTER:

Dated: August 11, 2009

/s/ George W. Cannon, Jr.

GEORGE W. CANNON, JR.  
U.S. MAGISTRATE JUDGE